

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of  
  
Debra A. Fisher  
  
Respondent

Civil Citation No. 69187  
  
2809 Oakcrest Avenue

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 10, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 13-7-115, 310, 312, failure to remove all junk, trash and debris from residential property zoned DR 5.5 known as 2809 Oakcrest Avenue, 21234.

On October 18, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Jeff Radcliffe issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The following persons appeared for the Hearing and testified: Debra A. Fisher, Respondent; Steven Hale, Steven James Hale, Julie Capp, Complainant and Mark Gawel, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 2, 2009 for removal of open dump/junk yard; remove trash and debris; store garbage in containers with tight lids; remove bird seed/other food for rats; cut and remove tall grass and weeds; remove animal feces daily; eliminate odor from front yard; remove junk and debris from front and rear porches and yard; remove pet food from front and rear porch. This Citation was issued on October 18, 2009.

B. Inspector Mark Gawel testified that another code enforcement inspector, Jeff Radcliffe, inspected the property on October 2, 2009, October 10, 2009, and October 18, 2009 and documented multiple code violations. Additional time was given to the Respondent for cleanup before issuing this Citation but progress was very slow.

C. Steven Hale has owned the attached rowhome next door to Respondent for 19 years. He testified that this is a longstanding problem and that early on he made calls to complain and some cleanup was achieved, but he stopped calling because Respondent screamed at him and trash was thrown in his yard. He further testified that he is trying to sell the house but cannot sell it because of the conditions next door. He further testified that he did not file the complaint that led to the current enforcement action. Steven James Hale, his son, testified that Respondent's property has been in this condition as long as he can remember, and that the smell is terrible.

D. Ms. Capp testified that she filed the complaint that led to this enforcement action. She is a friend of the Hales and believes the condition of Respondent's property should not be tolerated. She testified that neighbors cannot sit outside because of the terrible odor.

E. Respondent Debra Fisher testified that she has had problems and has a lot of health problems. She testified that she does not have the money to pay for help and that her children are not dependable and have health problems.

F. Photographs in the file show large quantities of junk, trash and debris on the front porch, along the driveway and in the yard, including stacks of cardboard boxes. A bowl of pet food is visible on the front porch. Re-inspection on November 8, 2009 found improvement on the front porch, but also found rolls of old carpet and garbage cans overflowing with bagged garbage and no lids. Inspector Gawel further testified that two automobiles parked in the driveway are full of junk and trash and may not be operable. Photographs in the file show junk and trash in the vehicles, clearly visible against the windows. One vehicle has expired tags, and a correction notice has been issued for that violation. Notes in the file from Inspector Radcliffe state that the odor from dog feces remains apparent in the yard.

G. The accumulation of junk, trash and debris on Respondent's porches and in the yard violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. The pet food on the porches also violates prohibitions against providing a food source for rats. BCC Section 13-7-310. Animal feces must be picked up on a daily basis, and the property must be kept in a sanitary condition. The evidence presented, particularly the testimony by neighbors and the notes in the file from the County inspector about the foul odor, indicates that the property is unsanitary and contaminated by animal feces and urine. Respondent must abate this contamination. BCC Section 13-4-105, 13-4-201.

H. Because compliance is the goal of code enforcement, the civil penalty will be reduced if Respondent corrects the violations within the time provided below. If the violations are not corrected, the County will be authorized to enter the property to remove junk, trash and debris and to correct the sanitation violations, at Respondent's expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 if the violations are corrected by December 7, 2009.

IT IS FURTHER ORDERED that after December 7, 2009, if the violations are not corrected, the County may enter the property for the purpose of removing all junk, trash, debris, and garbage, at Respondent's expense; and the County may enter the property for the purpose of cleaning up animal feces and animal urine, and abating unsanitary conditions and the noxious odor, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 19<sup>th</sup> day of November 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.